

REMARKS

Reexamination and reconsideration of claims 1-25 are respectfully requested. Claims 1-25 stand rejected.

Claims 1, 12-14, and 22-24 were rejected under 35 U.S.C. sec. 102(e) applying US 6,621,975 (the '975 reference) without a teaching reference. Applicants respectfully traverse the rejection of claims 1, 12-14, and 22-24. For a reference to be applicable under sec. 102(e), the teaching or combination of teachings must, *inter alia*, expressly or inherently, teach, or disclose, each and every feature of the claimed invention.

It is respectfully submitted that the Office Action did not make a *prima facie* case of anticipation.

Claim 1 recites *inter alia*, a "a stub cable comprising a first end received in the stub cable port and a second end received at the mid-span access location provided on the distribution cable, the stub cable further comprising at least one optical fiber extending between the first end and the second end and having a fiber optic connector mounted thereon at the first end of the stub cable". The '975 reference does not teach or suggest a fiber optic connector mounted thereon at the first end of the stub cable. The '975 reference teaches the first end of the stub cable being spliced and not connectorized as claimed. Additionally, while the '975 reference does state at column 5, lines 45-47 that "at least one of the buffer tubes 17 is made available for connection with one or more drop and/or feeder cables", the fibers in the buffer tubes are not connectorized. For at least those reasons, claim 1 is submitted to be patentable over the '975 reference. Claims 12-13 depend from claim 1 and are submitted to be patentable for at least the same reasons.

Claim 14 recites *inter alia*, "at least one optical fiber extending between the first end and the second end and having a fiber optic connector mounted upon the at least one optical fiber at the first end of the first stub cable". The '975 reference does not teach or suggest a fiber optic connector mounted upon the at least one optical fiber at the first end of the first stub cable. The '975 reference teaches the first end of the stub cable being spliced and not connectorized as claimed. Additionally, while the '975 reference does state at column 5, lines 45-47 that "at least one of the buffer tubes 17 is made available for connection with one or more drop and/or feeder cables", the fibers in the buffer tubes are not connectorized. For at least this reason, claim 14 is

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submitted to be patentable over the '975 reference. Claim 22 depends from claim 14 and is submitted to be patentable for at least the same reasons.

Claim 23 recites *inter alia*, "a stub cable comprising a *first end received in the stub cable port* and a *second end extending from the base in the direction of the distribution cable*, the stub cable further comprising *at least one optical fiber extending between the first end and the second end and having a fiber optic connector mounted upon the at least one optical fiber at the first end of the stub cable*; and at least one connector port disposed through the planar panel of the cap and adapted to receive the *fiber optic connector mounted upon the at least one optical fiber of the stub cable from inside the base and the connectorized drop cable from outside the base*". The '975 reference does not teach or suggest anything adapted to receive the fiber optic connector mounted upon the at least one optical fiber of the stub cable from inside the base and the connectorized drop cable from outside the base. The '975 reference teaches the first end of the stub cable being spliced and not connectorized as claimed. Additionally, while the '975 reference does state at column 5, lines 45-47 that "at least one of the buffer tubes 17 is made available for connection with one or more drop and/or feeder cables", the fibers in the buffer tubes are not connectorized. For at least this reason, claim 23 is submitted to be patentable over the '975 reference.

Claim 24 recites *inter alia*, "at least one optical fiber extending continuously between the first end and the second end, the at least one optical fiber having a fiber optic connector mounted thereon at the first end of the stub cable and being optically connected to a respective optical fiber of the distribution cable at the second end of the stub cable". The '975 reference does not teach or suggest at least one optical fiber extending continuously between the first end and the second end, the at least one optical fiber having a fiber optic connector mounted thereon at the first end of the stub cable and being optically connected to a respective optical fiber of the distribution cable at the second end of the stub cable. The '975 reference teaches the first end of the stub cable being spliced and not connectorized as claimed. Additionally, while the '975 reference does state at column 5, lines 45-47 that "at least one of the buffer tubes 17 is made available for connection with one or more drop and/or feeder cables", the fibers in the buffer tubes are not connectorized. For at least this reason, claim 24 is submitted to be patentable over the '975 reference.

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Therefore, it is respectfully requested that the rejection of claims 1, 12-14, and 22-24 be withdrawn.

Claims 1, 4-5, 7-9, 11, 14, 16, 18, 20-21, and 25 were rejected under 35 U.S.C. sec. 103 applying Fingler et al. (US 5,892,870, the '870 reference) in view of Griffioen et al. US 2002/0079697 (the '697 reference). Applicants respectfully traverse the rejection of claims 1, 4-5, 7-9, 11, 14, 16, 18, 20-21, and 25.

It is respectfully submitted that the Office Action did not make a *prima facie* case of obviousness. The sec. 103(a) rejection does not recite valid suggestions and/or motivations the skilled artisan would have had in making the purported modification of the '697 patent. Applicants respectfully traverse the assertion in the Office Action that paragraph 0011 of the '697 reference provides motivation for the combination. Although the '697 reference states "there is a continuing need for improvements in outside plant equipment and installation methods that can provide versatility to meet growing, unpredictable demand, reduce the number of splices required, and provide mid-span branching access at any place, any time, even after cables have been laid in existing protective ducts", the '697 reference then addresses the problem identified. It does not offer any suggestion that another reference should be combined with it to solve the identified problem. Therefore, it is respectfully submitted that this is not an explanation why one of ordinary skill in the art would have been motivated and taken a suggestion to make the proposed modification. See the MPEP sec. 706.02(j). In other words, the Office Action lacks proper reasoning for the making the purported modification.

Instead, the objective evidence of record shows that the skilled artisan would not have been motivated to make the purported modification. A *prima facie* case of obviousness requires a reasonable expectation of success in making the purported modification. See the MPEP sec. 706.02(j).

Fingler et al. teach a fiber optic cable connector for connecting to an end of a cable. Griffioen et al. teach a method for using a Y-branch connector with splittable coupling collars to achieve the Y-branching (see abstract). The combination that the examiner is suggesting is to replace the splittable coupling collars with the coupling means taught by Fingler et al. Applicants respectfully submit that to do so destroys Griffioen's solution to the very generic statement of the problem that the examiner lists as motivation for the combination (and as

Griffioen et al. sets forth as the problem it solves) and therefore is impermissible hindsight reconstruction.

Therefore, it is respectfully requested that the rejection of claims 1, 4-5, 7-9, 11, 14, 16, 18, 20-21, and 25 be withdrawn.

With respect to the rejection of claims 6, 10, 15, and 17, Applicants maintain that the purported combination of Fingler et al. and Griffioen et al. destroys the invention of Griffioen et al. and is thus impermissible.

Accordingly, Applicants respectfully request that the rejection of claims 6, 10, 15, and 17 be withdrawn.

Claims 2-3 and 19 were rejected under 35 U.S.C. sec. 103 applying the '870 reference in view of the '697 reference and further in view of Abel et al. (US 5,987,203, the '203 reference). Applicants respectfully traverse the rejection of claims 2-3 and 19. Claims 2-3 and 19 are all dependent claims depending from patentable base claims. Additionally, Applicants maintain that the purported combination of Fingler et al. and Griffioen et al. destroys the invention of Griffioen et al. and is thus impermissible.


Accordingly, Applicants respectfully request that the rejection of claims 2-3 and 19 be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner to withdraw any objection(s) and/or rejection(s) to the claims and to reconsider the application. This request for reconsideration is fully responsive to the Office Action and the application is in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for the pending claims. Applicants encourage the Examiner to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment does not result in more independent and/or total claims than paid for previously. Accordingly, NO fee is believed to be due. However, the Examiner is hereby authorized to charge any fee due in connection with the filing of this response, including any excess claims fee, to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. §1.136 not already accounted for, such an extension is requested and the fee should likewise be charged to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,

  
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